

REMARKS

This responds to the Office Action mailed on April 4, 2005, and the references cited therewith. Claims 6 and 12 are amended and claims 20, 21, 24-27 and 37-39 are canceled. Claims 6-16 and 29-36 are now pending in this application.

Interview Summary

Applicant thanks Examiner Roane for his courtesy during the telephone interviews held on May 4-5, 2005 with Applicant's representative, Andrew R. Peret. Examiner Roane discussed the amended claims and the cited references with Applicant's attorney.

Applicant's attorney and Examiner Roane agreed that the pending rejections appear to be overcome by the amended claims. Examiner Roane indicated that further searching and reconsideration would be required. In addition, Examiner Roane suggested amending FIGS. 1-6 to more clearly identify enclosures 11, 21, and 31.

Affirmation of Election

Restriction to one of the following claims was required:

- I. Claims 1-16 and 29-36, drawn to a cold pack, classified in class 607, subclass 114.
- II. Claims 20, 21, 24-27 and 37-39, drawn to a method of cooling a body portion, classified in class 607, subclass 108.

As provisionally elected by Applicant's representative, Andrew R. Peret, on March 29, 2005, Applicant elects to prosecute the invention of Group I (claims 1-16 and 29-36).

The claims of the non-elected invention, claims 20, 21, 24-27 and 37-39 are hereby canceled. However, Applicant reserves the right to later file continuation or divisional applications having claims directed to the non-elected inventions.

In the Drawings

Applicant is enclosing replacement sheets for the drawings where Applicant has amended FIGS. 1-6 to more clearly identify enclosures 11, 21, and 31 as suggested by the Examiner.

Claims Rejections

Claims 6-12, 14-16, 29, 30, 33 and 36 were rejected under 35 U.S.C. § 102(b) for anticipation by Helming (US 6,248,125 B1).

Claims 6, 8, 12, 13, 32, 33 and 35 were rejected under 35 U.S.C. § 102(b) for anticipation by Sabin (US 6,099,555).

Claims 31 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helming (US 6,248,125 B1).

As discussed during the interview, none of the cited references teach or suggest:

“an absorbent core within said enclosure, said absorbent core being formed at least partially of a fibrous material that retains said endothermic solution within said enclosure to spread said endothermic solution throughout the interior of said enclosure” as recited in amended claims 6 and 12.

Reservation of Right to File Continuation or Divisional Applications

Applicant respectfully traverses the pending rejections and reserves the right to reintroduce any original claims in one or more continuation or divisional applications at a later date.

Reservation of Right to Swear Behind References

Applicant reserves the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 262-646-7009 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

RICKY W. PURCELL, ET AL.

By their Representatives,

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Date 5/11/05

By Andrew R. Peret
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of May, 2005.

CANDIS BUENDING

Name

Andrew R. Peret
Signature